
COMMONWEALTH OF VIRGINIA



OFFICE OF THE GOVERNOR

Executive Order 58

MODIFICATION OF THE DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO THE SIGNIFICANT FLOODING AND WIND DAMAGE CAUSED BY HURRICANE ISABEL

On September 16, 2003, I issued Executive Order Number 56, declaring a state of emergency to exist for the entire Commonwealth of Virginia based on forecasts that indicated that Hurricane Isabel could cause damaging high winds, flash flooding, and possible tornadoes throughout the state. On September 18 and 19, 2003, Hurricane Isabel did in fact cause significant damage through much of the Commonwealth.

The health and general welfare of the citizens of the Commonwealth required that state action be taken to help prepare for and alleviate the conditions which resulted from this situation. I also found that the potential effects of Hurricane Isabel constituted a natural disaster wherein human life and public and private property were imperiled, as described in § 44-146.16 of the *Code of Virginia*.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the *Code of Virginia*, as Governor and as Director of Emergency Management, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby order the following measures be taken in addition to those orders and directives contained in Executive Order 56:

- A. The authorizations granted in section F of Executive Order 56 are extended for an additional thirty (30) days beyond the current expiration date, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety in consultation with the Secretary of Transportation, whichever is earlier.
- B. The Marine Resources Commissioner is authorized to act on behalf of the Commission in issuing permits pursuant to Chapter 12 of Title 28.2 of the Code of Virginia when, in the judgment of the Commissioner, it is necessary to address immediate health and safety needs and the Commissioner would be unable to convene a meeting of the full Commission in a timely manner.
- C. In an effort to address the impacts attributable to Hurricane Isabel on the health, safety and general welfare of the citizens of the Commonwealth, and in an attempt to expedite the return of impacted areas and structures to pre-event conditions insofar as is possible, no permits for encroachments over State-owned submerged lands shall be required to replace previously permitted structures that conform with the following criteria:
 - 1. The pre-existing structure must have been previously authorized and in a serviceable condition prior to the onset of the hurricane.
 - 2. The replacement structure must be reconstructed in the same location and in identical or smaller dimensions as the previously permitted structure.
 - 3. Reconstruction activities must be initiated prior to December 31, 2003, and completed prior to June 30, 2004.
 - 4. Any property owner(s) seeking to replace a previously permitted structure pursuant to this Executive Order must submit to the Virginia Marine Resources Commission a letter attesting to the foregoing and containing suitable drawings of the proposed replacement structure(s) for comparison purposes.
 - 5. No person may proceed with replacement of a previously permitted structure under the provisions of this Executive Order without written approval from the Commissioner of the Virginia Marine Resources Commission.

This Executive Order shall be effective October 13, 2003, and shall remain in full force and effect until June 30, 2004, unless sooner amended or rescinded by further executive order. Termination of the Executive Order is not intended to terminate any Federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of
Virginia, this 13th day of October 2003.

Mark R. Warner, Governor

Attest:

Secretary of the Commonwealth